HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

and

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO : 2370 of 2005

Between:

Mangalagiri Pattana Rajaka Jana Seva Sangam, Mangalgiri, Guntur rep.by Mudigonda Srinivas Rao,S/o.Masthan Rao, R/o. 7-539, Tippala Bazar, Mangalagiri ,
Guntur District and others.

..... APPELLANTS

AND

1 Mangalagiri Municipality, rep.by its Commissioner, Mangalagiri, Guntur District and others.

.....RESPONDENTS

::JUDGMENT::

Counsel for the Appellants : MR.G.ARUN KUMAR

Counsel for the Respondent No.1 : Sri S. Nageswara Reddy

Counsel for the Respondent Nos.2 and 3 : GP FOR REVENUE

Counsel for the Respondent No.4 : Mr. P.M. Gopala Rao, Standing Counsel for Vijayawada, Guntur, Tenali Urban Develop-ment Authority

13th December, 2005

HCJ & RSRJ

W.A.No.2370 of 2005

Per G.S. Singhvi, CJ

This appeal is directed against the order passed by the learned Single Judge in Writ Petition No.6872 of 1997, whereby he declined to interfere with the action of Vijayawada, Guntur, Tenali, Mangalagiri Urban Development Authority to divide land measuring Ac. 2.97 cents situated in Survey No. 311/B of Mangalagiri, Krishna District into plots, but directed the respondents to ensure that Dhobi Ghat is constructed in an area measuring 0.25 cents in Survey
No. 39 of 'Yerra Cheruvu' of Mangalagiri.

It is not in dispute that land comprised in Survey No.311/B situated at Mangalagiri earlier belong to Mangalagiri Taluk Board and was known as Garagunta Tank. On the establishment of Mangalagiri Municipality in 1969, the land vested in the Municipality. On 18.4.1990, Vice-Chairman, Vijayawada, Guntur, Tenali, Mangalagiri Urban Development Authority sent proposal to Mandal Revenue Officer for conversion of Survey No.311/B as park and also for widening of road etc. That proposal is said to have been sanctioned by the State Government. On receipt of representation made by the representatives of the washermen community, Mangalagiri Municipality decided to construct Dhobi Ghat in Survey No.39, 'Yerra Cheruvu' of Mangalagiri.

The appellants challenged the action of the respondents by contending that they do not have the right to change the user of land, which was being used as Dhobi Ghat since time immemorial. They pleaded that the action of the respondents to develop the tank bed area into plots would result in depriving them of their livelihood.

In the counter-affidavit filed on behalf of the respondents, it was averred that the interest of the washermen community has been amply safeguarded by earmarking alternative site for construction of the Dhobi Ghat.

On a consideration of the pleadings of the parties, the learned Single Judge disposed of the writ petition with the direction to respondents 2 and 4 to ensure that the construction of Dhobi Ghat is taken up and completed within a period of three months.

Learned counsel for the appellants did not challenge the conversion of tank bed into plots but complained that despite the direction given by the learned single judge, construction of Dhobi Ghat at the alternative site has not been completed and on that account, the members of appellant No.1 are being deprived of their livelihood.

Sri S. Nageswara Reddy, learned counsel for Mangalagiri Municipality says that 75% of the construction work has been completed and the remaining 25% work will be completed within a period of one month from today.

In view of the undertaking given by the counsel for the Municipality and in view of the fact that the appellant had not challenged the notification issued under A.P. Urban Areas Development Act, 1975 for effecting change in the land use of Survey No. 311/B, we do not find any valid ground to entertain the appellants' challenge to change of use of the said survey number. At the same time, we deem it proper to direct the authorities of Mangalagiri Municipality including its Commissioner to ensure that the remaining construction of Dhobi Ghat in Survey No. 39 is completed within a period of one month without fail.

The appeal is disposed of in the manner indicated above. Liberty is given to the appellants to file miscellaneous application for further direction, if any such contingency arises. They shall also be free to initiate proceedings under the Contempt of Courts Act, 1971, if the Officers and authorities of Mangalagiri Municipality fail to complete the construction of Dhobi ghat in the land covered by Survey No.39 within one month in terms of the undertaking given by the learned counsel.

G.S. SINGHVI, CJ

Date: 13th December, 2005

R. SUBHASH REDDY,J

Pnb/vtv